

III. REMARKS

Claims 1-5 have been rejected under 35 U.S.C. 103 as being obvious over Allabaugh in view of Crute, Jr. (hereinafter Crute) and Naka. The Applicant disagrees.

The Applicant respectfully notes that Allabaugh, Crute and Naka have been combined improperly. References may be combined under 35 U.S.C. 103(a) only if the references are analogous art. In this case Naka is not analogous art. A reference is analogous art if:

- 1) The reference is in the same field of endeavor as the applicant's, or
- 2) The reference is reasonably pertinent to the particular problem with which the applicant was concerned.

Naka is not in the same field as the Applicants' invention. Naka is directed to a floor hatch. The invention in the present application is directed to air vent covers. These are not the same fields of endeavor. Nor is Naka reasonably pertinent to the particular problem with which the Applicant was concerned. The Applicant was concerned with closing and sealing air ventilation openings in walls to prevent entry of air and humidity from the atmosphere into a crawlspace. Naka is not reasonably pertinent to that problem. The hatch in Naka provides access through the floor of a building, and functions as part of the building floor (i.e. is subjected, and hence must necessarily support the same loads as the floor). This has nothing to do with the particular problem with which the Applicant was concerned. Because Naka is not in the same field of endeavor as the Applicant's endeavor and is not reasonably pertinent to the particular problem with which the Applicant was concerned, Naka is not analogous art.

Therefore, Naka may not properly be combined with Allabaugh and Crute.

Furthermore, the Examiner is asked to consider that in any case it would not have been obvious for a person skilled in the art to combine the Naka with Allabaugh and Crute. The closures for ventilation foundations in Allabaugh and Crute, and the floor hatch in Naka are different types of "closures" which operate in different ways to close different types of openings for different purposes. As noted before, the floor hatch in Naka covers an opening in the floor of a building. Indeed in Naka the floor hatch 10 is part of the building floor (see Figs. 1-3), and as such is subjected to floor loads (for example design floor loads are commonly around 100 psf, and in this case possibly much higher as the floor in Naka appears to be a concrete floor subject to floor loads around 1000 psf). Also, as being part of the building floor, the hatch must support the high floor loads without substantial deflection (less than $1/360$). In order to support such floor loads without deflection, the hatch structure in Naka incorporates structural stiffeners. In contrast, the removable closures for wall ventilation openings in Allabaugh and Crute may be subjected to loads that are an order of magnitude smaller (i.e. 10 psf v. 100psf). Also, as disclosed in Crute, Col. 3, lines 1-2, the vent closure structure may flex. Hence, it is respectfully submitted that there is nothing in Allabaugh, Crute and Naka to motivate one skilled in the art to combine these references. In view of the above differences between the vent closures disclosed in Allabaugh, Crute and the floor hatch disclosed in Naka it would not have been obvious to a person skilled in the art to combine the Allabaugh and Crute with Naka.

Moreover, even if combined as suggested by the Examiner, the invention recited in amended Claim 1 is patentable over Allabaugh, Crute and Naka. Claim 1 calls for a recessed peripheral border provided with a plurality of holes for receiving attachment means for fastening the cover to the wall. Neither Allabaugh, Crute nor Naka disclose or suggest this.

Allabaugh discloses a removable closure for ventilation openings 7. As seen in Figs. 2 and 3, the closure plate 7 has marginal edges curved inwardly and laterally 9. The marginal edges of the closure plate 7 in Allabaugh do not appear to have any holes, much less holes for receiving attachment means for fastening the cover to the wall. Indeed, as seen best in Fig. 1, the openings 14 for engagement hooks 10 are not located in the recessed peripheral border but in the central or inner section of the cover plate. Nowhere does Allabaugh disclose or suggest a recessed peripheral border provided with a plurality of holes for receiving attachment means for fastening the cover to the wall as called for in claim 1.

Crute fails to correct the defect in Allabaugh. In Figs. 1-2, Crute discloses a vent closure 20. The vent closure in Crute has an outer housing portion 23 and a peripheral edge 22. Similar to Allabaugh, the peripheral edge 22 of the closure in Crute does not appear to have any holes, much less holes for receiving attachment means for fastening the cover to the wall. Rather, as seen in Fig. 2 the closure in Crute has a single central hole, defined by a sleeve 32, for mounting bolt 34. Nowhere does Crute disclose or suggest a recessed peripheral border provided with a plurality of holes for receiving attachment means for fastening the cover to the wall as called for in claim 1.

Naka also fails to cure the defects of Allabaugh and Crute. In Figs. 1 and 4-7, Naka discloses a floor hatch 10, with a cover assembly 50. The cover assembly 50 has peripheral inner framework elements 121. The peripheral framework elements have holes for fasteners 131. The fasteners 131 attach the peripheral framework elements 121 to internal corner members 130 (of the cover assembly) in order to secure the framework elements 121 to the rest of the cover assembly. Thus, the fastener holes in framework elements 121 are not holes for attachment means for fastening the cover to the crawlspace wall. Naka fails to disclose a recessed peripheral border provided with a plurality of holes for receiving attachment means for fastening the cover to the crawlspace wall as called for in claim 1.

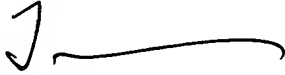
Neither Allabaugh, nor Crute nor Naka disclose or suggest the features recited in claim 1. Accordingly, the combination of Allabaugh, Crute and Naka cannot provide features that are neither disclosed nor suggested in any of the references. Thus claim 1 is patentable over Allabaugh, Crute and Naka. Claims 1-5 are patentable over the cited prior art and should be allowed.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

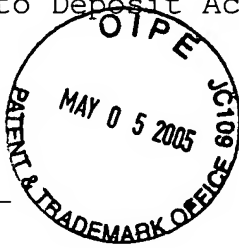
A check in the amount of \$ 510.00 is enclosed for a three month extension of time fee. The Commissioner is hereby authorized to

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Respectfully submitted,



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5/2/05

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